

**REMARKS**

Upon entry of this amendment, claims 1, 5-7, 9-11, 18-21 and 76-80 will be pending in this application. Claim 1 has been amended by incorporating the features of previously presented claim 75. Claim 76 has been amended to depend from claim 1. Claim 75 has been canceled without prejudice. The specification and sequence listing have been amended and updated to include sequences originally present in the as-filed application that did not have proper sequence identifier numbers. A corrected Figure 2 is provided herewith correcting a typographical error. No new matter has been added.

**Interview Summary**

Applicant would like to thank Examiner Kam for the telephone interview on June 9, 2006 to discuss the present application. During the interview, Applicant's representative Quan Nguyen discussed with Examiner Kam the possible amendments to the claims to further clarify the inventions. The claims as amended above were favorably considered by the Examiner.

**Objections**

Fig. 2 is being objected to for a typographical error with respect to SEQ ID NO: 39. Applicant attach hereto a replacement Figure 2 as requested by the Examiner indicating the correcting sequence identifier to SEQ ID NO. 5.

The amino acid and nucleotide sequences on pages 25, 26, 37 and 38 have been objected to for not identifying a SEQ ID NO. Applicant submits herewith an amendment to amend the specification to add sequence identifiers and a corrected sequence listing in both paper and computer readable form.

In view of the amendments and submissions, Applicant respectfully requests that the Office's objections be withdrawn.

**The Claims Are Definite**

Claims 1, 5-7, 9-11, 18-21, and 75-80 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite because the claims allegedly contradicted the term "inactive botulinum toxin." (Office Action, page 4).

During the interview, referenced above, the claims were discussed where it was explained that an "inactive botulinum toxin" is still capable of binding to a cell surface receptor; translocation through an endosomal membrane; binding to the cleavage site of a SNAP-25 protein; binding to the cleavage site of a synaptobrevin (VAMP); or binding to the cleavage site of a syntaxin just like the wild-type botulinum toxin, but it does with a reduced ability to intoxicate a neuron. The "inactive botulinum toxin" acts like a competitive inhibitor in that it prevents the active botulinum toxin from occupying a binding site or translocating across a membrane thereby reducing and/or preventing the ability of the active botulinum toxin from intoxicating a neuron. One of skill in the art would understand the meaning of the term in view of the specification and the claims.

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**PATENT**

Accordingly, the claims are clear and definite. In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and an early Office Action to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Scolnick", written over a horizontal line.

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